REMARKS

Response to Restriction Requirement under 35 U.S.C. §§121 & 372

Claims 1-15 have been subjected to election of an invention group for prosecution on the merits under 35 U.S.C. §§121 & 372. In the Examiner's opinion, as set forth in the Detailed Action, the application contains inventions or groups of inventions, which are not linked to form a single general inventive concept under PCT Rule 13.1. The Office Action alleges that the application contains claims directed to four (4) patentably distinct inventions as follows:

Group I: Claims 1, 2, 5 and 12-14, drawn to a peptide consisting of SEQ ID NO:2 or its variant having a cardioinhibitory activity or hypotensive activity; a fusion protein comprising the peptide; a cardioinhibitory/hypotensive agent comprising the peptide; and a method for screening a cardioinhibitory or hypotensive factor, or a method for screening an inhibitor of cardioinhibitory activity or hypotensive activity.

Group II: Claims 3, 4 and 6-9, drawn to a DNA molecule encoding a peptide of SEQ ID NO: 2 or its variant, or a DNA molecule consisting of SEQ ID NO: 1 or its variant; a recombinant vector comprising the DNA sequence; and a transformant comprising the recombinant vector.

Group III: Claims 10-11, drawn to antibody that recognizes specifically the peptide of SEQ ID NO: 2 or its variant.

Group IV: Claim 15, drawn to a method of treating / for preventing diseases that necessitate cardioinhibitory / hypotensive activity by administering a cardioinhibitory/hypotensive agent.

The applicant respectfully requests that the Restriction Requirement be withdrawn and all claims be examined together on the merits. Nonetheless, in response to the Restriction Requirement, applicants **provisionally elect Group I with traverse**, including **claims 1,2,5 and 12-14**, drawn to a peptide consisting of SEQ ID NO:2 or its variant; a fusion protein comprising the peptide; a cardioinhibitory/hypotensive agent comprising the peptide; and a method for screening a cardioinhibitory or hypotensive factor, or a method for screening an inhibitor of cardioinhibitory activity or hypotensive activity.

Applicants respectfully disagree with the restriction requirement imposed by the Examiner and the characterizations made of the claimed invention. Applicants, however, respectfully submit that at the very least, **Group I** claims 1, 2, 5 and 12-14 should be examined for the merits together with **Group II** claims 3, 4 and 6-9. According to Rule 13.1 PCT, the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. Furthermore, Rule 13.2 PCT states that Rule 13.1 is fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding technical features. The phrase "special technical feature" refers to those features that define a contribution which each of the claimed inventions makes over the prior art. In analysis of the Rules 13.1 and 13.2, PCT International Search And Preliminary Examination Guidelines (available at http://www.wipo.int/pct/en/texts/pdf/ispe.pdf) provide the following example and analysis in chapter 10, paragraph 59:

> Example 39: Protein and its Encoding DNA
>
> Claim 1: Isolated protein X having SEQ ID NO: 1.
> Claim 2: Isolated DNA molecule encoding protein X of claim 1.
>
> The disclosure teaches that protein X is an interleukin-1, a soluble cytokine involved in the activation of lymphocytes. The disclosure also sets forth a DNA molecule having SEQ ID NO: 2 that encodes

> SEQ ID NO: 1. There is no prior art. The claimed DNA molecule encodes protein X, and therefore protein X and the DNA encoding protein X share a corresponding technical feature. Consequently, the claims have unity of invention (*a priori*). Because protein X makes a contribution over the prior art, protein X and the DNA encoding protein X share a special technical feature.

Analogously, in the present application **Group I** claims 1, 2, 5 and 12-14 should be examined for the merits together with **Group II** claims 3, 4 and 6-9 because Group I claims relate to a peptide of SEQ ID NO: 2 and Group II claims relate to the DNA encoding said peptide. As in the example above, the claimed peptide and the DNA encoding such protein share a corresponding technical feature and, therefore, the claims have unity of invention *a priori*.

Therefore, applicants respectfully traverse the requirement for restriction at least on the grounds that examining **Group I** drawn to a peptide and **Group II** drawn to a DNA encoding such peptide cannot be deemed as undue burden, since both groups share a special technical feature very much analogous to Example 39 considered by the PCT authority. Therefore, reconsideration and withdrawal of the restriction is respectfully requested, and at the very least, examination on the merits of **Groups I** and **II** including claims 1-9 and 12-14 are respectfully requested.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the restriction requirement imposed on the pending claims and allowance of this application. Favorable action by the Examiner is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **50-4827**, Order No. 4439-4047.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **50-4827**, Order No. 4439-4047.

Respectfully submitted,
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